

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
AVNER MALOUL and ALLEN LOWY,

Plaintiff,

**NOTICE OF MOTION TO
DISMISS AMENDED
COMPLAINT**

-against-

IVAN BERKOWITZ, GREAT COURT
CAPITAL, LLC, SD PARTNERS, LLC,
UTIX GROUP, INC., VSUS TECHNOLOGIES,
INC., and SUNSET BRANDS, INC.,

07 Civ. 8525 (LBS)

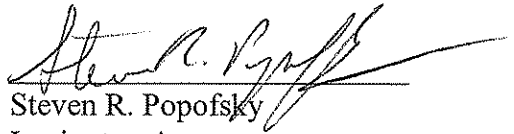
Defendants.
-----X

PLEASE TAKE NOTICE that upon the accompanying memorandum of law, dated February 27, 2008, and the transmittal affidavit of Steven R. Popofsky, sworn to February 27, 2008, with exhibits including the amended complaint in this action, defendants Ivan Berkowitz, Great Court Capital, LLC and SD Partners, LLC will move this Court, pursuant to Federal Rule of Civil Procedure 12(b)(6), for an order dismissing the complaint as against the moving defendants for failure to state a claim on which relief can be granted, and for such other and further relief as the Court deems warranted; and

PLEASE TAKE FURTHER NOTICE that pursuant to the agreement of counsel for the respective parties to this motion and order of the Court, plaintiffs' answering papers shall be served no later than March 27, 2008, and defendants' reply papers shall be served no later than April 15, 2008.

Dated: February 27, 2008

GERSTEN SAVAGE LLP
Attorneys for Defendants Ivan
Berkowitz, Great Court Capital, LLC
and SD Partners, LLC

By: 
Steven R. Popofsky
600 Lexington Avenue
New York, New York 10022
(212) 752-9700

TO:
Eric B. Fisher, Esq.
MORGENSTERN JACOBS & BLUE, LLC
Attorneys for Plaintiff
885 Third Avenue
New York, New York 10022
(212) 750-6776

Scott J. Pashman, Esq.
COOLEY GODWARD KRONISH LLP
Attorneys for Defendant Utix Group, Inc.
1114 Avenue of the Americas
New York, New York 10036
(212) 479-6000